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DISABILITY PLAN and OFFICE DEPOT LONG
TERM DISABILITY PLAN

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Attorneys for Plaintiff
JOHN CAMPOLO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN CAMPOLO,)	CASE NO. C10-05634 CW (JSCx)
)	
Plaintiff,)	JOINT STIPULATION AND
)	PROPOSED ORDER EXTENDING
v.)	CASE MANAGEMENT DATES
)	
AETNA LIFE INSURANCE COMPANY;)	
OFFICE DEPOT TEMPORARY)	
DISABILITY PLAN; OFFICE DEPOT LONG)	
TERM DISABILITY PLAN;)	
)	
Defendant.)	

1 **IT IS HEREBY STIPULATED AND AGREED** by and between Plaintiff John
2 Campolo (“Plaintiff”) and Defendants Aetna Life Insurance Company (“Aetna”), Office Depot
3 Temporary Disability Plan, and Office Depot Long Term Disability Plan (collectively the
4 “Office Depot Plan”) (“Aetna and the Office Depot Plan are collectively referred to herein as
5 “Defendants”) by and through their respective attorneys of record, as follows:

6 Plaintiff served discovery on the Defendants in March and September, 2011. Plaintiff
7 granted Defendants extensions to respond to this discovery and the parties sought an extension of
8 the discovery cut-off from December 16, 2011 until January 6, 2012. (Docket No. 27) The Court
9 granted that stipulation. (Docket No. 29)

10 Following receipt of discovery responses that Plaintiff considered to contain
11 inappropriate objections and insufficient responses, on November 21, 2011, the parties
12 conducted the LR 37-1 meet and confer. During this meet and confer, Defendants’ counsel
13 represented that supplemental responses curing many of Plaintiff’s concerns would be provided
14 by the end of the month. Defendants did not provide supplemental responses by the end of the
15 month.

16 On November 23, 2011, the Court granted the parties stipulated protective order
17 regarding the confidentiality of information. (Docket No. 31)

18 On December 7, 2011, Plaintiff filed a Motion to Compel. (Docket No. 32) That Motion,
19 and all further discovery motions, was referred to Magistrate Judge Jacqueline Scott Corley.
20 (Docket No. 33 & 34) On December 8, 2011, Defendants produced additional information in
21 response to the discovery. The parties again engaged in discussions regarding Plaintiff’s
22 concerns with Defendants’ supplemental responses. Defendants agreed to provide supplemental
23 responses, but following Plaintiff’s request, could not provide a date upon which those
24 supplemental responses would be produced to Plaintiff.

25 On December 14, 2011, Judge Corley held a telephonic discovery conference with the
26 parties. (Docket No. 34) Based on the parties representation that some of the sought-after
27 discovery had been produced, and that Defendants were working to provide further supplemental
28 responses (which Defendants represented had been delayed due to the holidays and a shortage of

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1 staff), Judge Corley dismissed Plaintiff's Motion to Compel, without prejudice, and ordered the
 2 parties to bring any unresolved discovery matters before the Court through a joint discovery
 3 letter. (Docket No. 35)

4 During the telephonic discovery conference the issue of sufficient time to fully complete
 5 discovery within the currently set discovery cut-off was discussed with Judge Corley. The parties
 6 each represented their willingness to seek an extension of dates in order to work towards
 7 resolving any discovery issues prior to any cut-offs.

8 The parties have continued to work toward resolving Plaintiff's concerns regarding
 9 Defendants' discovery responses. To date, Defendants have not provided Plaintiff with further
 10 supplemental responses. Plaintiff has inquired when Defendants will be able to provide their
 11 supplemental responses. Defendants have indicated that they are unable to provide Plaintiff with
 12 an exact date for when supplemental responses will be provided. Defendants have indicated they
 13 are diligently working to secure documents as soon as possible. Thus, the parties jointly seek an
 14 extension of the case management dates in order to fully resolve the discovery issues in advance
 15 of the currently set trial briefing schedule.

16 The parties request the following continuances:

17 **Current Dates:**

18 Discovery cut-off	January 6, 2012
19 Plaintiff's opening brief	February 21, 2012
20 Defendants' opposition/cross motion	March 12, 2012
21 Plaintiff's reply/opposition to cross motion	April 3, 2012
22 Defendants' reply brief	April 24, 2012
23 Hearing on dispositive motions and further CMC	May 10, 2012 at 2:00 p.m.

24 **Proposed Dates:**

25 Discovery cut-off	February 29, 2012
26 Plaintiff's opening brief	April 3, 2012
27 Defendants' opposition/cross motion	April 24, 2012
28 Plaintiff's reply/opposition to cross motion	May 15, 2012

Defendants' reply brief

June 5, 2012

Hearing on dispositive motions and further CMC

June 21, 2012 at 2:00 p.m.

SO STIPULATED.

Respectfully submitted,

Dated: January 3, 2012

GORDON & REES LLP

By: /s/ Joel A. Morgan

Jordan S. Altura

Joel A. Morgan

Attorneys for Defendants

AETNA LIFE INSURANCE

COMPANY; OFFICE DEPOT

TEMPORARY DISABILITY PLAN

and OFFICE DEPOT LONG

TERM DISABILITY PLAN

Dated: January 3, 2012

KANTOR & KANTOR LLP

By: /s/ Brent Dorian Brehm

Brent Dorian Brehm

Corinne Chandler

Attorneys for Plaintiff

JOHN CAMPOLO

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ORDER

Good cause appearing, and pursuant to the above Joint Stipulation Re: Extending Case Management Dates, the Court modifies the Case Management Dates as follows:

Current Dates:

Discovery cut-off	January 6, 2012
Plaintiff's opening brief	February 21, 2012
Defendants' opposition/cross motion	March 12, 2012
Plaintiff's reply/opposition to cross motion	April 3, 2012
Defendants' reply brief	April 24, 2012
Hearing on dispositive motions and further CMC	May 10, 2012 at 2:00 p.m.

New Dates:

Discovery cut-off	February 29, 2012
Plaintiff's opening brief	April 3, 2012
Defendants' opposition/cross motion	April 24, 2012
Plaintiff's reply/opposition to cross motion	May 15, 2012
Defendants' reply brief	June 5, 2012
Hearing on dispositive motions and further CMC	June 21, 2012 at 2:00 p.m.

IT IS SO ORDERED

DATED: January 4, 2012


 The Honorable Claudia Wilken
 United States District Judge